

MINUTES
UTAH
CONTROLLED SUBSTANCES ADVISORY COMMITTEE
MEETING

September 10, 2012

Room 210, 2nd Floor – 4:00 P.M.
Heber M. Wells Building
Salt Lake City, UT 84111

CONVENED: 4:05 p.m.

ADJOURNED: 5:25 p.m.

Bureau Manager:

Debra Hobbins, DNP, APRN
Rich Oborn

Board Secretary:

Shirlene Kimball

Division Staff:

Tom Harper

Committee Members Present:

David N. Sundwall, MD, Chairperson
Major Jeff Carr
Elizabeth Howell, MD
Blaine Winters, APRN
Todd C. Grey, MD
David Young, Pharm D
Elizabeth Howell, MD
Darin M. Vercillo, MD

Committee Members Excused:

Alexander B. Larsen, DDS
Jeffrey Wright, ND
Glen R. Hanson, Ph.D, DDS
Kristen Ries, MD
Scott W. Reed

Guests:

Sgt. Stanton VanWagoner, Unified Police Department
Barbara Crouch, Pharm D, MSPH Utah Poison Control
Michelle Bauer
Jennifer McNair, Bureau of Forensic Services
Geoffrey Brediges
Robert Rolfs, MD, Dept. of Health

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Introduction of Dr. Debra Hobbins, Bureau Manager, Bureau 7:

Mr. Oborn introduced Dr. Hobbins. Mr. Oborn indicated that Dr. Hobbins is now the Bureau Manger assigned to the CSAC. Committee members introduced themselves

and provided background information. Guests also introduced themselves.

April 3, 2012 Minutes:

A motion was made to approve the April 3, 2012 minutes as written. The motion was seconded. All Committee members voted in favor of the motion.

1. Review 2011 Annual Report to the Legislature:

Dr. Sundwall requested Committee members review the 2011 Annual Report to the Legislature as a starting point to develop the 2012 Annual Report. Dr. Sundwall indicated Committee members had a hard time getting the attention of the legislators last year and suggested meeting with Representatives prior to the Health and Human Services Interim Committee meeting to discuss the Annual Report.

2. Update from various parties regarding experience and perspective related to the use of "recreational" drugs and substances:

- a. Law enforcement
- b. State Crime Lab
- c. Health departments and hospitals
- d. Utah Poison Control
- e. Medical Examiner

a. Law enforcement:

Major Carr reported that the Law Enforcement Task Force meets every three months to get a feel for what is happening statewide. Sgt. Van Wagoner informed Committee members that a type of candy made with marijuana powder, sugar, water, corn syrup and that looks like sugar-coated gummy bears was reported by Colorado and Ohio. He stated since these are in candy form, it feels like the young are the targets. Sgt. Van Wagoner also reported on the distilling of hand sanitizers.

Sgt. Van Wagoner also reported a number of articles came out in June regarding 25I, which is similar to LSD. Ms. McNair reported the crime lab has been testing a few samples. Mr. Reed stated the chief combination has been heroin and benzodiazepines in capsule form. Mr. Van Wagoner also reported that spice and bath salts are still widely available at smoke shops.

Major Carr stated most local prosecutors do not prosecute unlawful possession of analogs because doing so would likely require expert testimony to prove that the two substances are substantially similar. Local jurisdictions are hesitant to proceed with analog cases due to the extra preparation time required and the expert witness testimony needed to prove the charge when they are already overburdened and understaffed.

Dr. Sundwall stated the CSAC might want to request the

authority to place a substance on the controlled substance list on a temporary basis. The temporary basis would be for the period in-between legislative sessions. The legislature would determine whether the drug would be placed on the controlled substances list on a permanent basis. This would give law enforcement the authority to control the sale of newer substances that are developed and marketed between legislative sessions, but leave it to the elected legislators to determine if the substance should be permanently placed on the list of controlled substances.

Dr. Howell suggested adding a statement that would make it clear that the Committee feels it is necessary, but that the determination is up to the legislature. Dr. Young stated he agrees, make the substance designation more clear and let the legislators decide. Dr. Patton said it should be clear that this would be for regulation in an emergency.

The letter to the Health and Human Services Interim Committee will also include an amendment to the Utah Controlled Substance Act in two minor areas. Correct the spelling of “dimethoxyphenethylamine” and combine the two analogs in 58-37-4.2 (16) and (17) into one reference, “Fluoromethcathinone”.

Dr. Hobbins will work with Dr. Sundwall and draft the letter. The draft will be sent to CSAC members for review.

b. State Crime Lab: Ms. McNair reported on the analogs that have come to the State lab from January 1, 2012 until now. She indicated the samples come from all over the state. She reported there are 140 samples and they are looking at the analogs. Ms. McNair reported that XLR11 is on the verge of not being called an analog anymore. She reported 25I is a non-controlled substance and is an analog of 2C-1. She reported that samples of bath salts and spice are still coming in. She suggested adding 2C-E to the list in order to be ahead of the game. She reported the first generations become controlled, then the second generations became controlled and now there is the third generation. She reported they have been seeing more plant materials such as Kratom and Salvia. Kratom can be bought at the smoke shops. She reported

URB compounds are also present in some submissions but do not seem to be active on the CB1 receptor. Sgt. Van Wagoner reported they are seeing Kratom, which is from Somalia, being chewed. He suggested the Committee might want to consider adding it to the controlled substances list and have the legislators look at it because it is a risk to the population. Dr. Howell suggested we might want to consider adding future generations. Ms. McNair reported there are times they are looking samples and sometime are not sure what they are until further data is received, especially if they are third generation. Ms. McNair indicated it is not enough to just say, "control the high-volume use substance" because the low-volume use may be the next high-volume use substance. Dr. Grey stated that compounding is a huge process. A majority of the chemicals are coming from outside the country. One of the largest distributors we know about has been shut down, but where all the chemicals came from is not known, however, it is most likely China.

Dr. Young suggested adding the analogs that are not federally regulated to the report. Ms. McNair indicated she would send the Committee a list of those analogs. Dr. Howell stated there had not been many federal changes until lately.

Dr. Vercillo stated adding the analogs would be helpful for law enforcement regarding the new substances that come along and their ability to prosecute. The prosecutors could prove the substance acts just like the analog and that the chemical structure is the same.

c. Health Department and hospitals: Dr. Sundwall indicated he would like to have local health departments provide input.

d. Utah Poison Control: Dr. Crouch reported that the Utah Poison Control receives 50,000 calls a year. Twelve percent of the calls involve teens and intentional exposure. She reported teens are abusing benzodiazepines, analgesics, cold medicines, alcohol, hand sanitizers, GHB and cocaine, amphetamines. She reported they have not seen a drop in spice, 2C-E or 2C-P. Dr. Crouch stated they are also seeing abuse of dimaphen in dietary supplements.

Dr. Crouch stated it appears that the calls regarding methamphetamine and bath salts are down, but not spice. She indicated the synthetic cannabinoids are more potent and cause more tachycardia and seizures. Dr. Howell stated those making the substances just add whatever, and she is seeing a lot of psychiatric and IQ problems, especially in long term use of marijuana.

3. National trends and policies:

Nationwide the trend for controlling these chemicals/ substances is to add a group to the law and then deal with the outliers. Mr. Oborn stated other states have tried temporary bans.

4. Scheduling of next meeting:

The next meeting will be scheduled for November. Dr. Rolfs suggested that Dr. Sundwall contact state representatives and the planning group to place this topic on the Health and Human Services Interim Committee agenda. Dr. Sundwall can determine the level of interest and let them know CSAC members are interested in attending the meeting and presenting or answering questions.

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

November 27, 2012
Date Approved

(ss) David Sundwall
David N. Sundwall, Chairperson, Controlled
Substances Advisory Committee

November 27, 2012_
Date Approved

(ss) Debra Hobbins_
Debra Hobbins, Bureau Manager, Division of
Occupational & Professional Licensing